

**HOUSE JUDICIARY COMMITTEE AMENDMENT NO. 1**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1059**

**House Bill No. 0876**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

SECTION \_\_\_\_.

(a) The general assembly finds that the reports of the incidence of spousal abuse and battering is on the rise in Tennessee and that measures should be taken to statistically document these incidents so that further study can be undertaken, and reasonable proposals to end the violence be put forth and considered in a rational and deliberate manner. The general assembly further finds that such statistics can be compiled only if health care practitioners report instances of abuse at the time they examine abused patients. Such reporting will most likely occur if the law protects both the practitioner's duty to maintain confidentiality, with full civil immunity, including immunity from licensure actions, and the patient from the types of violence, including acts of revenge, that may result when the batterer is reported. Any such reporting system must be administered in a manner that ensures that abused patients are encouraged to seek adequate medical care for their physical and emotional injuries which result from acts of spousal abuse. It is a further finding of the general assembly that neither the police and sheriffs'

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departments statewide, nor the courts, are adequately trained, or equipped by law, to fully address, or help to reduce, the incidence of spousal abuse and domestic violence.

(b) Any health care practitioner licensed or certified under Title 63, who knows, or has reasonable cause to suspect, that a patient's injuries, whether or not such injuries cause a patient's death, are the result of domestic violence or abuse, shall make a report to the local police department or other local law enforcement agency within ten (10) business days following the patient's treatment date. The report shall not disclose the name or identity of the patient, but shall include the nature and extent of the patient's injuries, the substance in summary fashion of any statements made by the patient, including comments concerning past spousal abuse with the patient's current spouse or previous partner(s), that would reasonably give rise to a suspicion of spousal abuse. The practitioner shall include any other information upon which the suspicion of abuse is based.

(c) In the event of treatment of a patient by more than one (1) health practitioner, it shall be the duty of the supervising practitioner of the unit or department providing treatment, or of any other health practitioner

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designated by said unit or department, to ensure that the required reports are made on a timely basis.

(d) Any person making any report pursuant to this part, including employees or agents of health care practitioners licensed under Title 63 in the reasonable performance of their duties and within the scope of their authority, shall be presumed to be acting in good faith and shall thereby be immune from any liability, civil or criminal, that might otherwise be incurred or imposed including administrative actions for licensure revocation. Any person alleging lack of good faith has the burden of proving bad faith by clear and convincing evidence. Any such reporter shall have the same immunity with respect to participation in any judicial proceeding resulting from such report, or in any judicial or administrative proceeding in which the information so reported is subpoenaed, examined or considered.

(e)

(1) The identity of a person who reports abuse, neglect, or exploitation, and the information so reported, as contemplated under this section are confidential and privileged and may not be revealed unless a court with jurisdiction under this part so orders for good cause shown.

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(2) Except as otherwise provided in this section, it shall be unlawful for any person, except for purposes directly connected with the administration of this part, to disclose, receive, make use of, authorize or knowingly permit, participate, or acquiesce in the use of any list or the name of, or any information concerning, a practitioner participating in the voluntary reporting system created hereunder, or any information concerning a report of spousal abuse, neglect, or exploitation, directly or indirectly derived from the records, papers, files or communications with, or of, any law enforcement agency or divisions thereof cited under this section.

(3) A violation of any provision of subsection (e) of this section is a Class B misdemeanor.

(f) On a form to be created by the Tennessee Task Force Against Domestic Violence and the Tennessee Medical Association, in consultation with the Bureau of Vital Statistics and the Metropolitan Nashville Davidson County Police Department, all local law enforcement agencies shall file summary reports on a monthly basis, of the incidents of spousal abuse that are reported to them by health care practitioners in the local geographical area, to the Tennessee Bureau of Vital Statistics. Local law enforcement agencies shall also file a copy of such reports with

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their respective community health agency. Additionally, the clerk of each court having jurisdiction over cases involving spousal abuse, as contemplated under this part, shall report to the Bureau of Vital Statistics, at the end of each calendar year, the number of such cases filed with such court, and noting the disposition of such cases whether by dismissal, conviction, or diversion. The Bureau of Vital Statistics shall compile such statistics in a meaningful fashion, in consultation with the Tennessee Task Force Against Domestic Violence, and by breaking the information down by division into the twelve (12) community health agencies statewide. At the end of each calendar year, the bureau shall file a report of the incidence of spousal abuse with the speakers of both houses, the Tennessee Task Force Against Domestic Violence, and the Tennessee Medical Association.